



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Elliot N. Linzer
Serial No.: 10/600,079
Title: DUAL BLOCK MOTION VECTOR STORAGE IN COMPRESSED FORM
Filed: June 20, 2003
Attorney Docket No.: 03-0578 / 1496.00309
Examiner: Rao, A.
Art Unit: 2621

CERTIFICATE OF MAILING

I hereby certify that this letter, the response or amendment attached hereto are being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 12, 2006.

By: Mary Donna Berkley
Mary Donna Berkley

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal by an attorney either of record or acting under 37 CFR 1.34.

REMARKS

Review is requested for the following reasons:

1. The Examiner has omitted one or more elements needed to make a *prima facie* rejection.

Regarding independent claim 21, the Examiner has failed to show that Kato et al. explicitly or inherently disclose a step for generating a representation for a motion for two blocks. In contrast, the text of Kato et al. cited in the rejection discusses four motion vectors for a single macroblock. See the argument in the Amendment After Final filed October 10, 2006, on pages 11-12.

Furthermore, the Examiner has failed to show that Kato et al. explicitly or inherently disclose that the representation has less than a maximum number of bits capable of representing each possible combination of four motion vectors for the two blocks. In contrast, the cited text of Kato et al. is silent regarding (i) the number of bits in a representation for motion of two blocks and (ii) the maximum number of bits in four motion vectors for the two blocks. See the arguments in the Amendment After Final filed October 10, 2006, on pages 13-14.

Furthermore, the Examiner has failed to show that Kato et al. explicitly or inherently disclose a step for exchanging the representation of the motion for two blocks with a memory. In contrast, the text of Kato et al. cited in the rejection only discusses designating a single register for a single backward motion vector for a single macroblock. See the arguments in the Amendment After Final filed October 10, 2006, on pages 14-15. As such, the rejections of claim 21 cannot be sustained in an appeal.

Regarding independent claims 1, 13 and 20, the Examiner has failed to show that Kato et al. teach or suggest a step for exchanging a particular value of a plurality of values with a memory, each of the values defining which of two blocks use which of a plurality of motion vectors based upon one of a plurality of

prediction types. In contrast, the cited text of Kato et al. used in the rejection is silent regarding a register index designation signal (alleged similar to the claimed representation) defining which of two blocks use which of the motion vectors. See the arguments in the Amendment After Final filed October 10, 2006, on pages 17-18.

Furthermore, the Examiner has failed to establish that Kato et al. teach or suggest that prediction types include (i) a first prediction type for a first reference picture list and (ii) a second prediction type for a second reference picture list. The Examiner alleges that each of the prediction types in Kato et al. have their own reference picture list. However, the allegation is not supported by the text of Kato et al. cited in the rejection. See the arguments in the Amendment After Final filed October 10, 2006, on pages 19-20. As such, the rejections of claims 1, 13 and 20 cannot be sustained in an appeal.

Regarding claims 8 and 9, the Examiner has failed to establish that Kato et al. teach or suggest a step for using a list 0 prediction (list 1 prediction) of the prediction types for the motion vectors, wherein each of the motion vectors is used for a different one of the two blocks. List 0 prediction and list 1 prediction are terms of art used in the H.264 recommendation. In contrast, Kato et al. appears to have been filed before such terms of art were created. See the arguments in the Amendment After Final filed October 10, 2006, on pages 21-22.

Regarding claim 23, the Examiner has failed to establish that Kato et al. explicitly or inherently disclose that the representation of motion for two blocks is configured to accommodate (i) a first number of possible vectors for a first motion vector for a first block of the two blocks, (ii) a second number of possible vectors for a second motion vector for the first block, (iii) a third number of possible vectors for a third motion

vector for a second block of the two blocks and (iv) a fourth number of possible vectors for a fourth motion vector for the second block. In contrast, the cited text of Kato et al. appears to discuss a transmission order of motion vectors in different situations. See the arguments in the Amendment After Final filed October 10, 2006, on pages 15-16.

2. The Examiner fails to show proper motivation for making the asserted obviousness rejections (35 U.S.C. §103).

Regarding independent claims 1, 13 and 20, the Examiner provides overly broad conclusory language why it would be obvious to modify Kato et al. to meet the claim language. Such statements are not "evidence". Furthermore, the alleged motivations are not supported by the text of Kato et al. cited in the rejection. See the arguments in the Amendment After Final filed October 10, 2006, on pages 18 and 20.

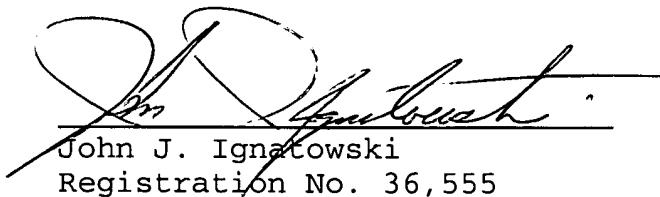
Applicant's representative believes that the Examiner has omitted one or more essential elements needed for a *prima facie* rejection. For example, Kato et al. are silent regarding a representation for motion for two blocks, where the representation has less than a maximum number of bits capable of representing each possible combination of four motion vectors for the two blocks. Furthermore, the Examiner failed to show proper motivation for making the alleged modifications in the obviousness rejections under 35 U.S.C. §103.

The Examiner is respectfully invited to call the Applicant's representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 12-2252.

Respectfully submitted,

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Dated: December 12, 2006

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Docket No.: 03-0578 / 1496.00309

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